

## REMARKS

Reconsideration of the application, as amended, is respectfully requested.

Claim 7 has been amended to incorporate explicitly the limitations of claim 8.

Claims 1 and 7 have been amended to eliminate the passive tense. Claims 13 and 16 have been amended to provide better antecedent basis by changing their dependencies to claim 7, which refers to a spray jet. Claim 2 is canceled without prejudice. Claim 4 has been amended to place it in better form for prosecution in the United States.

Edible dispersions containing structuring agents are often prepared by dispersing an aqueous and/or solid phase through the oil phase at a temperature wherein the oil phase including the structuring agent is liquid, formation of a fat crystal network to stabilize the dispersion, and modification of the crystal network to produce the desired firmness and confer plasticity. These steps are usually conducted in a process which involves heating, cooling and mechanical working of the ingredients, such as the churn or vortator methods.

A disadvantage of the typical known processes is that they involve a heating step and a cooling step, which require considerable energy. In addition, the amount of saturated fatty acids in the structuring agent may be relatively high, and many health professionals advise against ingesting excessive amounts of saturated fatty acids. Moreover, the products may deteriorate in the course of known processing techniques as the result of changes in temperatures occurring during the heating and the cooling

steps. Also, changes in temperature may be such that heat sensitive ingredients cannot be included.

The invention is directed in claim 1 to a process for preparing an edible dispersion which includes oil, a structuring agent and one or more of an aqueous phase and/or a solid phase wherein the dispersion is formed by mixing oil, solid structuring agent particles and the aqueous phase and/or a solid phase, wherein the solid structuring agent particles have a microporous structure of sub micron sized particles. As set forth in claim 7, the solid structuring agent particles may be prepared using a micronisation process wherein the solid structuring agent particles are prepared by preparing a homogeneous mixture of structuring agent and liquefied gas or super critical gas at a pressure of 5-40 MPa and expanding the mixture through an orifice.

Brooker, EP 1238589 is directed to a method of forming a food product which contains an emulsion. The method includes contacting a spray of the product in liquid form with a cryogen such as nitrogen so as to cool the liquid product and effect a rapid conversion of the liquid product to a solid. Preferably the cryogen is in the form of a spray or stream at the time of contacting the food product. Because cryogenic cooling produces very rapid crystallization of the solid fat phase, the resulting fat crystals are said to be typically smaller and more numerous than those found in conventionally processed cream. Alternatively, the emulsion may be mixed with liquid carbon dioxide under pressures such that on release of the pressure the food product can be sprayed with a resulting atomization of the emulsion. Rapid cooling is said to be mostly achieved by taking the oil and water emulsion and producing a spray of the emulsion in such a way that it is incident on a stream or spray of carbon dioxide snow or a liquid cryogen. Application of rapid cooling rates is said to provide a much greater number of fat crystals of consistent and smaller average size, typically no more than 0.5 $\mu$ m.

Present claim 1 is directed to a process for preparing an edible dispersion wherein the dispersion is formed by mixing oil, solid structuring agent particles and the aqueous phase and/or the solid phase, wherein the solid structuring agent particles have a microporous structure of sub micron sized particles. In claim 7 the solid structuring agent particles are prepared using a micronisation process wherein a homogeneous mixture of structuring agent and liquid gas or supercritical gas at a pressure of 5-40 MPa is prepared and expanded through an orifice such that a jet spray is applied in which the structuring agent is solidified and micronised. The Office points to no teaching of these claimed processes by Brooker. Rather, the Office points to Brooker's teaching of processing an emulsion by contacting the emulsion with a cryogen.

Claim 17 has been canceled without prejudice in view of the informality rejection. Claims 18-21 have been amended to place them in better form for prosecution in the United States by making them depend directly or indirectly from claim 1.

In view of the foregoing, it is respectfully requested that the application, as amended, be allowed.

Respectfully submitted,



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